

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ASSOCIATION OF CLUB EXECUTIVES OF DALLAS, INC, <i>et. al.</i> ,)	CIVIL ACTION NO. 3:22-cv-0177-M
)	
Plaintiffs,)	
)	
v.)	
)	
CITY OF DALLAS TEXAS,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs, by and through their counsel, respectfully move the Court, pursuant to Fed. R. Civ. P. 56, for partial summary judgment on their claims for declaratory and injunctive relief that Dallas Ord. 32125 is unconstitutional under the First and Fourteenth Amendments as applied to adult cabarets.

The ground for this motion is that there are no material facts in dispute and Plaintiffs are entitled to judgment as a matter of law.

I. SUMMARY

Plaintiffs move for partial summary judgment on their claims for declaratory and injunctive relief on the ground that, as to adult cabarets, the hours restriction set out in Ord. 32125 is unconstitutional under the First and Fourteenth Amendments because the applicability of the law to them depends on the effect the expression they present has on its patrons, i.e., its primary effect, and is subject to strict scrutiny, a standard that the law cannot survive.

II. CLAIMS TO BE DECIDED

Each of the matters required by Local Rule 56.3(a) are set forth in Plaintiffs' Brief in Support of their Motion for Partial Summary Judgment (the "Brief"), filed contemporaneously with this motion, and incorporated herein by reference as if set forth in full.

In support of this motion, Plaintiffs rely on evidence introduced at the preliminary injunction hearing pursuant to Fed. R. Civ. P. 65(a)(2).

III. PRAAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the their motion be granted, and this matter proceed to trial as to the constitutionality of the hours restriction as applied to the adult bookstore/arcades, Section 5 of the Ordinance, which prohibits sexually oriented businesses from hiring adults who are 18, 19, or 20 years old to work or perform in them, and on the issue of compensatory damages. .

Respectfully submitted,

/s/ J. Michael Murray
J. MICHAEL MURRAY
(Ohio Bar No. 0019626)
jmmurray@bgmdlaw.com
BERKMAN, GORDON, MURRAY & DeVAN
55 Public Square, Suite 2200
Cleveland, Ohio 44113-1949
(216) 781-5245 / (216) 781-8207 (Facsimile)

SHEILS WINNUBST
A Professional corporation
ROGER ALBRIGHT
State Bar No. 00974580
T. CRAIG SHEILS

State Bar No. 18187350
LATRICE E. ANDREWS
State Bar No. 24063984
1701 N. Collins Boulevard, Suite 1100
Richardson, Texas 75080
(972) 644-8181 / (972) 644-8180 (Facsimile)
roger@sheilswinnubst.com
craig@sheilswinnubst.com
latrice@sheilswinnubst.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The foregoing Plaintiffs' Motion for Partial Summary Judgment was filed on February 4, 2025, via the Court's ECF system. Parties will be notified of the filing through the Court's electronic filing system.

/s/ J. Michael Murray
J. Michael Murray (Ohio Bar No. 0019626)

One of the Attorneys for Plaintiffs